

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

UNITED STATES OF AMERICA

v.

JON MIKAL IRVIN

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§

Case No. 2:08-CR-9-1- JRG-RSP

**MEMORANDUM ORDER**

The Court referred a petition, alleging violation of supervised release conditions, to United States Magistrate Judge Roy Payne at Marshall, Texas for consideration pursuant to applicable laws and orders of this Court. The Court has received and considered the Report of the United States Magistrate Judge filed pursuant to such order, along with the record, pleadings, and all available evidence.

At the close of the June 18, 2020, revocation hearing, Defendant, defense counsel and counsel for the government signed a standard form waiving their right to object to the proposed findings and recommendations contained in the United States Magistrate Judge's report, consenting to revocation of supervised release and consenting to the imposition of the sentence recommended in the report. Defendant also waived his right to be present and speak before the District Judge imposes the recommended sentence. Therefore, the Court may act on the report and recommendation immediately.

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. It is therefore

**ORDERED** that the Defendant's plea of true to allegation #4 as set forth in the government's petition be **ACCEPTED**. Based upon the Defendant's plea of true to the allegation, the Court finds that the Defendant violated the conditions of his supervised release.

It is further

**ORDERED** that the Defendant's supervised release be **REVOKED**. Judgment and commitment will be entered separately, in accordance with the Magistrate Judge's recommendations. It is further

**ORDERED** that the Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for 12 months and 23 days followed by 3 years of supervised release with the same conditions. The Court recommends service of sentence at FCI Texarkana, Texas and credit for time served from May 8, 2020.

**So ORDERED and SIGNED this 19th day of June, 2020.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE